

MITC-21524P

EASEMENT IN WELL

THIS AGREEMENT AND WELL EASEMENT Made and entered into this 20th day of July, 1989, by and between ERIC R.-T. ROOST, Trustee for the Bankruptcy Estate of Norma E. Waggoner, Case No. 686-07971, L.A. SWETLAND, M.D., P.C, Pension and Profit Sharing Trust and R.H. OTTEMAN M.D., P.C, Pension and Profit Sharing Trust, and GARRET D. HILYARD and BETTY JEAN HILYARD, Grantors, and CHAD WHITTON AREY, Grantee,

WITNESSETH:

WHEREAS, Grantors are the owners of a tract of land described in Exhibit "A" attached hereto;

WHEREAS, there is a well located on said property, and by agreement 1/3 interest in said well was transferred to THOMAS A. AYRES, including easement for water delivery line, said easement in well was reflected in a document recorded in Vol. M80 Page 2417, Deed Records of Klamath County, Oregon; and

WHEREAS, the Grantors have agreed to grant a 1/3 interest and easement in said well to Grantee for the benefit of Grantee's property, more particularly described in Exhibit "B" attached hereto; and the parties being fully advised; now therefore,

FOR IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration receipt whereof is hereby acknowledged by Grantors. Grantors does by these presents grant, set over, and convey unto Grantee, his heirs, personal representatives, and assigns one-third (1/3) interest in the well situated on the property owned by Grantors together with an easement for water line 10 foot in width location to be on the same described easement in said document recorded at M80 Page 2417 Deed Records of Klamath County, Oregon, or portion thereof located on real property of Grantors.

Grantee shall have the right to maintain a buried pipeline (buried a minimum of twenty-four inches), on the said easement; the right to install a pump and water delivery line and right to maintain such at Grantee's own costs and expense; however, this agreement is subject to the agreement referred to as being recorded in Vol. M80, Page 2417, including installation prorates, and Grantee shall be responsible for reaching an agreement with the existing user of the well for sharing costs and expenses including pumping costs and maintenance of the shared well.

This agreement shall be perpetual. To have and to hold the above described grant and easement under the

PROCTOR & FAIRCLO
ATTORNEYS AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

EASEMENT IN WELL

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RETURNS MITC

Grantee, his heirs, personal representative, and assigns forever.

Dated the day and first year hereinabove set forth.

Grantors:

Eric R. - T. Roost
ERIC R. - T. ROOST,
Trustee for the Bankruptcy of
Norma E. Waggoner

L.A. SWETLAND, M.D., P.C.,
Pension and Profit Sharing Trust

By: [Signature]

R.H. OTTEMAN, M.D., P.C.,
Pension and Profit Sharing Trust

By: [Signature]

Garret D. Hilyard
GARRET D. HILYARD

Betty Jean Hilyard
BETTY JEAN HILYARD

Grantee:

Chad Whitton Arey
CHAD WHITTON AREY

STATE OF OREGON]
LAINE] ss.
County of Klamath]

On this 31st day of July, 1988, personally
appeared before me the above-named ERIC R. - T ROOST, Trustee
for the Bankruptcy of Norma E. Waggoner, and acknowledged the
above to be his voluntary act and deed.

Norma Allensworth
Notary Public for Oregon
My Commission expires: 10-31-92



EASEMENT IN WELL

PROCTOR & FAIRCLO
ATTORNEYS AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

STATE OF OREGON]
County of Klamath] ss.

On this 25th day of July, 1989, personally appeared L. A. Swetland and _____, who, being duly sworn, each swore to the truth of the foregoing statements. _____ did say that _____ is the _____ of L.A. SWETLAND, M.D., P.C., Pension and Profit Sharing Trust, a corporation and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission expires: 8-16-52

STATE OF OREGON]
County of Klamath] ss.
]

On this 8th day of August, 1989, personally appeared R. H. Otteman ~~and~~ and, who, being duly sworn, ~~testified before me and not one of the~~ did say that the foregoing instrument is the corporate seal of ~~he is the Trustee of R. H. Otteman~~ and that and Profit Sharing Trust, a corporation and that the seal said corporation and that said instrument is the corporate seal of sealed in behalf of said corporation was signed and board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission expires: 8-16-92

STATE OF OREGON]
County of Klamath] ss.
]

On this 4th day of August, 1989, personally appeared before me the above-named GARRET D. HILYARD and BETTY JEAN HILYARD, and acknowledged the above to be their voluntary act and deed.

Notary Public for Oregon

My Commission expires: 8-16-97

STATE OF OREGON

County of Klamath

On this 25th day of July, 1989, personally
appeared before me the above-named CHAD WHITTON AREY,
and acknowledged the above to be his voluntary act and deed.

Camelaspenca

Notary Public for Oregon
My Commission expires: 8/16/92

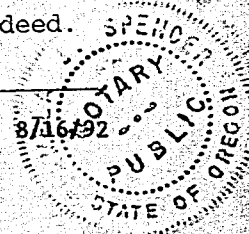


EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows: Beginning at the NW corner of said Section 18; thence South 00 degrees 01' 10" West 2132.47 feet; thence South 89 degrees 51' 42" East 629.83 feet to the true point of beginning of this description thence North 00 degrees 02' 42" West 354.17 feet; thence South 64 degrees 56' 14" East 116.01 feet; thence South 42 degrees 55' 14" East 339.64 feet; thence Easterly along the arc of a curve to the left (radius = 100 feet, central angle = 113 degrees 45' 00") 198.53 feet; thence North 23 degrees 19' 46" East 74.72 feet; thence Northeasterly along the arc of a curve to the right (radius = 135.77 feet, central angle = 42 degrees 41' 30") 101.16 feet; thence North 66 degrees 01' 16" East 91.43 feet; thence Northeasterly along the arc of a curve to the left (radius = 400 feet, central angle = 26 degrees 15' 37") 183.33 feet; thence South 89 degrees 55' 23" East 576.41 feet; thence South 00 degrees 00' 23" West 373.10 feet; thence North 89 degrees 51' 42" West 1405.07 feet to the true point of beginning with bearings based on recorded Survey No. 2026, as recorded in the Klamath County Surveyor's Office.

EXCEPTING THEREFROM

All the following described real property situated in Klamath County, Oregon:

A tract of land situated in the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of said Section 18, thence South 00 degrees 01' 10" West 2132.47 feet; thence South 89 degrees 51' 42" East 1525.28 feet to the true point of beginning of this description; Thence North 00 degrees 00' 22" East 372.55 feet; thence South 89 degrees 55' 23" East 509.62 feet; thence South 00 degrees 00' 23" West 373.10 feet; thence North 89 degrees 51' 42" West 509.62 feet to the true point of beginning, with bearings based on recorded Survey No. 2026, as recorded in Klamath County Surveyor's Office.

Tax Account No: 3910 01880 01700

EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL 1

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32" East 102.63 feet to a point on the arc of a 50-foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve, said point being the True Point of Beginning of this description; thence along the arc of a curve to the left (central angle = 42 degrees 41' 30" and radius = 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle = 113 degrees 45' 00" and radius = 100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Easterly along the arc of said curve to the left (central angle = 55 degrees 42' 33" and radius = 205.06 feet) 199.38 feet; thence North 65 degrees 48' 00" East 53.06 feet to the True Point of Beginning of this description.

Tax Account No: 3910 018B0 01200

PARCEL 2

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, as set and shown by record of survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32" East 102.63 feet to a point on the arc of a 50 foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve; thence along the arc of said curve to the left (central angle=42 degrees 41' 30" and radius= 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle=113 degrees 45' 00" and radius=100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet to the true point of beginning of this description; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Northwesterly along the arc of said curve to the right (central angle=15 degrees 20' 37" and radius=205.06 feet) 54.93 feet; thence North 43 degrees 08' 30" West 31.12 feet; thence South 46 degrees 51' 30" West 118.75 feet; thence 54.93 feet; thence North 43 degrees 08' 30" West 31.12 feet; thence South 46 degrees 51' 30" West 118.75 feet; thence 43 degrees 08' 30" East 120.00 feet to the true point of beginning of this description.

Tax Account No: 3910 018B0 01300

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 7th day
of Aug. A.D. 19 89 at 3:11 o'clock P.M., and duly recorded in Vol. M89
of Deeds on Page 14587

Evelyn Biehn . County Clerk
By Orville Millenbaker

FEE \$38.00